

**ASSEMBLY BILL**

**No. 1705**

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**Introduced by Assembly Member Keene**

February 22, 2005

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An act to amend Sections 4526, 4628, and 4590 of, and to add Article 7.75 (commencing with Section 4598) to Chapter 8 of Part 2 of Division 4 of, the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as introduced, Keene. Forestry: timber harvesting plans.

The existing Z'berg-Nedjedly Forest Practice Act of 1975 requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations for each forest and fire protection district in accordance with the policies set forth in the act. The act defines "timberland," for purposes of its provisions, to mean land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

This bill would eliminate Christmas trees from that definition of "timberland," and would specify that timberland does not include a parcel of land less than one acre, or a parcel of land less than 3 acres that was created under lead agency authority of a city and county, and the approval of which is subject to the California Environmental Quality Act (CEQA).

The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended pursuant to specified procedures.

This bill would provide that, notwithstanding that prohibition, a planning watershed timber harvesting plan, as defined, shall be

effective for a period of not more than 10 years, unless extended pursuant to specified procedures.

The bill would authorize a registered professional forester to file with the department a planning watershed timber harvesting plan, in writing, and would require that the plan be a public record, and include specified information. The bill would prescribe procedures for the review, approval, and amendment of those plans. The bill would require a person submitting a plan to notify the department, no later than January 31 of the year timber operations are to take place, of the harvest units, as defined, to be operated during that calendar year.

The existing act allows the exemption by regulation from its provisions of the removal of trees for subdivision development, except on lands zoned as a timberland production zone, as provided, and as defined in a specified provision regulating lands zoned as timberland, where the subdivision has had a tentative subdivision map approved and a subdivision use permit granted by the city or county having jurisdiction, if the removal of trees is consistent with the purposes of the act.

This bill would additionally allow the exemption by regulation from the provisions of the act under similar conditions of any other locally approved project.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4526 of the Public Resources Code is  
2 amended to read:  
3 4526. "Timberland" means land, other than land owned by the  
4 federal government and land designated by the board as  
5 experimental forest land, which is available for, and capable of,  
6 growing a crop of trees of any commercial species used to  
7 produce lumber and other forest products, ~~including Christmas~~  
8 ~~trees~~. Commercial species shall be determined by the board on a  
9 district basis after consultation with the district committees and  
10 others. *"Timberland" does not include a parcel of land less than*  
11 *one acre, or a parcel of land less than three acres that was*  
12 *created under lead agency authority of a city or county, and the*  
13 *approval of which was subject to Division 13 (commencing with*  
14 *Section 21000).*

1 SEC. 2. Section 4590 of the Public Resources Code is  
2 amended to read:

3 4590. (a) (1) A timber harvesting plan is effective for a  
4 period of not more than three years, unless extended pursuant to  
5 paragraph (2).

6 (2) A timber harvesting plan on which work has been  
7 commenced but not completed may be extended by amendment  
8 for a one-year period in order to complete the work, up to a  
9 maximum of two one-year extensions, if (A) good cause is  
10 shown and (B) all timber operations are in conformance with the  
11 plan, this chapter, and all applicable rules and regulations, upon  
12 the filing of the notice of extension as required by this paragraph.  
13 The extension shall apply to any area covered by the plan for  
14 which a report has not been submitted under Section 4585. The  
15 notice of extension shall be provided to the department not  
16 sooner than 30 days, but at least 10 days, prior to the expiration  
17 date of the plan. The notice shall include the circumstances  
18 which prevented a timely completion of the work under the plan  
19 and, consistent with Section 4583, an agreement to comply with  
20 this chapter and the rules and regulations of the board as they  
21 exist on the date the extension notice is filed.

22 (b) *Notwithstanding subdivision (a), a planning watershed*  
23 *timber harvesting plan, as defined in subdivision (c) of Section*  
24 *4598.1, shall be effective for a period of not more than 10 years,*  
25 *unless extended pursuant to paragraph (2) of subdivision (a).*

26 (c) Stocking work may continue for more than the effective  
27 period of the plan under ~~subdivision~~ *subdivisions (a) and (b)*, but  
28 shall be completed within five years after the conclusion of other  
29 work.

30 SEC. 3. Article 7.75 (commencing with Section 4598) is  
31 added to Chapter 8 of Part 2 of Division 4 of the Public  
32 Resources Code, to read:

33  
34 Article 7.75. Planning Watershed Timber Harvesting Plan  
35

36 4598. The Legislature finds and declares both of the  
37 following:

38 (a) Project planning and implementation at the planning  
39 watershed scale will improve impact analysis and disclosure, and

1 facilitate both long-term planning and management as well as  
2 cumulative impact assessments.

3 (b) It is the policy of the state to encourage prudent and  
4 responsible forest management of timberlands that maintains  
5 economic use of those timberlands, minimizes costs of project  
6 review, and provides for an analysis of any environmental  
7 impacts.

8 4598.1. For purposes of this article, the following terms have  
9 the following meanings:

10 (a) "Harvest unit" within the context of a plan, as defined in  
11 subdivision (c), means a distinct area associated with a specific  
12 silviculture and yarding method.

13 (b) "Logging road" means a road, other than a skidtrail, used  
14 for timber operations where the timber owner, timberland owner,  
15 licensed timber operator, or plan submitter holds a right via  
16 easement or is otherwise responsible for the construction,  
17 reconstruction, or maintenance of the roads in a passable  
18 condition.

19 (c) "Plan" means a planning watershed timber harvesting plan  
20 filed with the department pursuant to this article.

21 (d) "Planning watershed" means a contiguous land base  
22 associated with a watershed system, as defined by the board.

23 4598.2 A plan that is prepared pursuant to this article by a  
24 registered professional forester may be filed with the department,  
25 in writing. The plan shall be a public record, and shall include all  
26 of the following information:

27 (a) The name, address, and telephone number of a timber  
28 owner or any other person who submits a plan. A single  
29 operational plan covering multiple ownerships may be accepted  
30 by the department.

31 (b) A description of the planning watershed on which the plan  
32 is proposed to be implemented, including a United States  
33 Geological Survey quadrangle map or equivalent indicating the  
34 location of all of the following:

35 (1) All harvest units to be harvested during the 10-year period  
36 of the plan.

37 (2) All past harvest units for the 10-year period prior to  
38 submission of the plan.

39 (3) All reasonably foreseeable harvest units for the subsequent  
40 10-year period following completion of operations.

1 (4) All Class I watercourses, and those Class II, III, and IV  
2 watercourses within mapped harvest units to be harvested under  
3 the plan.

4 (5) All Class II, III, or IV watercourses within 1,000 feet that  
5 receive surface runoff from a proposed harvest unit to be  
6 harvested under the plan.

7 (6) All proposed and existing logging roads within the  
8 planning watershed to be used for timber operations during the  
9 10-year plan period.

10 (7) All existing roads owned or controlled by a timberland  
11 owner within the planning watershed.

12 (8) All existing and proposed watercourse crossings on all  
13 roads owned and controlled by a timberland owner for the  
14 planning watershed.

15 (9) All existing unstable areas.

16 (c) A description of the silviculture methods to be applied and  
17 the type of yarding equipment to be used.

18 (d) An outline of the methods to be used to avoid excessive  
19 accelerated erosion from timber operations to be conducted  
20 within the proximity of a watercourse.

21 (e) A road management plan to direct road construction,  
22 reconstruction, maintenance, and monitoring on roads, culverts,  
23 and ditches on all logging roads.

24 (f) A certification by the registered professional forester  
25 preparing the plan that he or she or a designee has personally  
26 inspected the area.

27 (g) Any other information the board provides by regulation to  
28 meet its rules and the standards of this chapter.

29 4598.3. (a) The director shall have 60 days from the date of  
30 the initial inspection as provided in Section 4604, or a longer  
31 period mutually agreed upon by the director and the person  
32 submitting the plan, to receive public comment and review the  
33 plan.

34 (b) Unless mutually agreed upon by the director and the  
35 person submitting the plan, the public comment period shall  
36 close at the end of this 60-day period. Once the public comment  
37 period has closed, the director shall have 15 working days to  
38 respond to public comment and to determine if the plan is in  
39 conformance with the rules and regulations of the board and this  
40 chapter. This 15-day period may be extended for a longer period

1 that is mutually agreed upon by the director and the person  
2 submitting the plan.

3 (c) If the director determines that the plan is not in  
4 conformance with the rules and regulations of the board or this  
5 chapter, the director shall return the plan, stating his or her  
6 reasons and advising the person submitting the plan of the  
7 person's right to a hearing before the board.

8 (d) A person to whom a plan is returned may, within 10 days  
9 after the receipt of the plan, request a public hearing before the  
10 board. The board shall schedule a public hearing to review the  
11 plan and determine if the plan is in conformance with the rules  
12 and regulations of the board and this chapter. Board action shall  
13 take place within 30 days of the filing of the appeal, or a longer  
14 period that is mutually agreed upon by the board and the person  
15 filing the request.

16 4598.4 Amendments submitted to a plan approved filed  
17 under this article shall be subject to the review timelines and  
18 criteria specified in Section 4582.7.

19 4598.5 Actions, as defined by the board, that do not  
20 substantially deviate from the approved plan may be undertaken  
21 without submittal of an amendment, but those actions shall be  
22 subsequently reported to the director immediately in writing. The  
23 board shall specify the requirements for reporting those  
24 deviations.

25 4598.6 The person submitting a plan under this article shall  
26 notify the department no later than January 31 in the year  
27 operations are to take place of the harvest units to be operated  
28 during that calendar year. Modifications of this notification  
29 relating to the harvest units to be operated may be submitted and  
30 shall be treated as a minor amendment to the plan. However,  
31 operations may not commence on a harvest unit amended into the  
32 annual notification until a minimum of 10 days after receipt by  
33 the department. If the person who files the notice is not the owner  
34 of the timberland, the person filing the notice shall notify the  
35 timberland owner by certified mail that the notice has been  
36 submitted, and shall certify that mailing to the department. The  
37 notice shall be a public record and shall include all of the  
38 following information:

39 (a) The name and address of the timber owner.

1 (b) The name, home address, work address, telephone  
2 numbers, and license number of the licensed timber operator. If  
3 more than one timber operator is involved with timber operations  
4 for the plan, the responsibilities of each licensed timber operator  
5 shall be clearly described in the notice by the plan submitter.

6 (c) The name and address of the registered professional  
7 forester preparing the harvest notice.

8 (d) A description of the land on which the work is proposed to  
9 be done.

10 (e) A statement certifying that no archeological sites have  
11 been discovered in the harvest area since the approval of the  
12 plan.

13 (f) A statement certifying that no rare, threatened, or  
14 endangered plant or animal species has been discovered in the  
15 harvest area since the approval of the plan.

16 (g) A statement certifying that there have been no physical  
17 environmental changes in the harvest area that are so significant  
18 as to require any amendment of the plan.

19 (h) A certification by the registered professional forester that  
20 the notice as carried out will implement best management  
21 practices for protection of the beneficial uses of water, soil  
22 stability, forest productivity, and wildlife as required by the  
23 current rules of the board, or a certification that practices  
24 consistent with the original plan will not result in any significant  
25 degradation to the beneficial uses of water, soil stability, forest  
26 productivity, or wildlife.

27 (i) Special provisions, if any, to protect any unique area within  
28 the area of timber operations.

29 (j) The expected dates of commencement and completion of  
30 timber operations during the year.

31 (k) A statement certifying that the harvesting notice conforms  
32 to the provisions of the approved plan and any operational rule  
33 changes adopted by the board.

34 (l) Any other information the board provides by regulation to  
35 meet its rules and the standards of this chapter.

36 SEC. 4. Section 4628 of the Public Resources Code is  
37 amended to read:

38 4628. (a) Notwithstanding any provision of this article or of  
39 Section 4581, no public agency shall be required to submit a  
40 timber harvesting plan or file an application for conversion with

1 the board where the purpose of its timber operations is to  
2 construct or maintain a right-of-way on its own or on any other  
3 public property.

4 ~~(b) Removal of trees for subdivision development, any except~~  
5 ~~on lands zoned as a timberland production zone pursuant to~~  
6 ~~Section 51112 or 51113 of, and as defined in subdivision (g) of~~  
7 ~~Section 51104, of the Government Code, where the subdivision~~  
8 ~~has had a tentative subdivision map approved and a subdivision~~  
9 ~~use permit granted by the city or county having jurisdiction, may~~  
10 ~~be exempted by regulation from the provisions of this article, if~~  
11 ~~the exemption is consistent with the purposes of this chapter. The~~  
12 ~~removal of trees for subdivision development, or any other~~  
13 ~~locally approved project, except on lands zoned as a timberland~~  
14 ~~production zone pursuant to Section 51112 or 51113 of, and~~  
15 ~~defined in subdivision (g) of Section 51104, of the Government~~  
16 ~~Code, may be exempted by regulation from this article, if the~~  
17 ~~exemption is consistent with the purposes of this chapter, and~~  
18 ~~meets either of the following requirements:~~

19 *(1) The subdivision has a tentative subdivision map approved*  
20 *and a subdivision use permit granted by the city or county having*  
21 *jurisdiction.*

22 *(2) The project was approved by a city or county in*  
23 *compliance with the California Environmental Quality Act*  
24 *Division 13 (commencing with Section 21000).*